

REMARKS

A. BACKGROUND

The present Amendment is in response to the Office Action mailed April 2, 2008. Claims 1-10 were pending, claims 2-8 were objected to and claims 1, 9 and 10 were rejected in view of cited art.¹ Claim 1 is cancelled and claims 2 and 9 are amended. Claims 2-10 are now pending in view of the above amendments.²

B. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action rejected claim 1 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this amendment, claim 1 has been cancelled and the language of claim 1 has been amended into claim 2. Claim 2 has been amended to overcome the 35 U.S.C. § 112 second paragraph rejection. As such, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112.

C. DEPENDENT CLAIMS REWRITTEN IN INDEPENDENT FORMAT

The Examiner has indicated that claims 2-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten claim 2 in independent format so as to include all of the limitations of the base claim. In particular, the scope of the claims have not been narrowed in any way so as to overcome any prior art, but have merely been rewritten in independent format. As acknowledged by the Examiner, the claims are patentably distinct from the prior art, and are now in a condition for allowance.

D. CONCLUSION

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments and new claims can be found throughout the specification and drawings as originally filed.

be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as provide the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 5th day of September, 2008.

Respectfully submitted,

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